

R E M A R K S

The Examiner a) rejects the claims under 35 U.S.C. 103, and b) requests cancellation of non-elected claims.

A. Cancellation of Non-elected Claims

Applicants hereby cancel the non-elected claims. This is done to further the prosecution, but without waiving the arguments previously made concerning the restriction and the lack of a showing of an undue search burden.

B. The Claims Are Not Obvious

The Examiner argues that the claims are obvious in view of Little taken with Garvin, and with Elion. Applicants cannot agree. Both Little and Garvin teach the use of epitopes merely for purification in advance of mass spec. By contrast, the present specification teaches, in one embodiment, the use of both epitopes in an ELISA format for determining truncations without the use of gels or mass spec. To underscore this distinction, Applicants have amended Claim 9 to include a microtiter plate with a ligand capable of binding the polypeptide encoded by the gene, as well as two antibodies, each reactive with a different epitope. Applicants make the amendment to further the prosecution, without acquiescing to the rejection or waiving the right to prosecute the unamended claims (or similar claims) in the future. The amendment is fully supported by the specification (see e.g. Example 16, which describes one embodiment of the triple marker system). Since none of the cited art describe such elements, the rejection should be withdrawn.

Applicants have also amended Claim 1 so that the claim is directed to the pre-primer embodiment described in the specification (at page 68, emphasis added):

Such a kit might also contain primers or "pre-primers," the former comprising a promoter, RBS, start codon, a region coding an affinity tag and a region complementary to the template, the latter comprising a promoter, RBS, start codon, and region coding an affinity tag - **but lacking a region complementary to the template**. The pre-primer permits ligation of the region complementary to the template (allowing for customization for the specific template used).

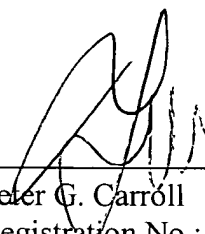
Applicants make the amendment to further the prosecution, without acquiescing to the rejection or waiving the right to prosecute the unamended claims (or similar claims) in the future. It is believed that none of the cited art teach such a pre-primer, or the advantages of customization that the pre-primer embodiment permits. Therefore, the rejection should be withdrawn.

CONCLUSION

The Applicant believes that the arguments and amendments set forth above traverse the Examiner's rejections and therefore, request that all grounds for rejection be withdrawn for the reasons above. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicant encourages the Examiner to call the undersigned collect at 617.984.0616.

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By: _____


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